



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

Commission Meeting: May 20, 2004

Commissioners

Present

Deborah Wood Dorsey, Chairperson
Mario Acosta-Velez
James E. Joiner
Bro. Donald Lippert
Pierpont Mobley
Darryl Ross
Christine Warnke
Daniel Wedderburn

Absent

Reverend Susan Blue
Christina Fleps
Joe E. Leonard
Donald Murray
Warner Session
Michael Ward

For the Commission

Cornelius R. Alexander, Jr., Chief Hearing Examiner

For the Office of Human Rights

Kenneth L. Saunders, Director

For the Office of the Mayor

Ron Collins, Director, Mayor's Office of Boards and Commissions

I. CALL TO ORDER

The May 20, 2004 Human Rights Commission meeting was called to order at 6:23 P.M.

II. ROLL CALL/ANNOUNCEMENT OF QUORUM

Due to the late arrival of the Secretary, Chief Hearing Examiner Cornelius R. Alexander, Jr. called the roll. A quorum was not maintained because of the late arrival and early departure of several commissioners.

III. APPROVAL OF MARCH 11, MINUTES

Because of the lack of a quorum, the approval of the March 11, 2004 minutes was postponed until the July 8, 2004 meeting.

IV. CHIEF HEARING EXAMINER'S REPORT

Because Director Saunders was called out of the meeting, the Chairperson reordered the agenda to allow the Chief Hearing Examiner's Report proceed ahead of the Director's Report.

Chief Hearing Examiner Cornelius R. Alexander reported that the Commission issued its Final Decision and Order on Respondent's Motion for Summary Judgment in *Spires v. George Washington University Medical Center*, affirming the hearing examiner's recommendation that the Complainant failed to establish a *prima facie* case of racial employment discrimination. In other matters, the Chief Hearing Examiner reported that the Commission dismissed the complaint in *Evans v. T. Gregory, Inc.*, after the parties reached a non-public settlement.

In addition, the Commission conducted status hearings in *Saxon v. River Park Mutual Homes* and *Williams v. Law Office of Jeffrey Raden*. In *Saxon*, the status hearing was conducted pursuant to a remand order from the D.C. Court of Appeals, instructing the Commission to reopen the record for a limited hearing in order to determine when the complainant discovered she was discriminated. Once that determination is made, the Commission will be able to rule whether she filed her complaint within the one-year statute of limitations. The status hearing in *Williams* allowed the parties to agree to discovery dates, pre-hearing date and hearing date.

In other matters, the Chief Hearing Examiner reported that the Commission's hearing examiners were now conducting hearings for the public sector cases that remain within the confines of the Office of Human Rights.¹ As such, hearings were conducted in *Maddox v. D.C. Public Schools* and *Bagentose v. D.C. Public Schools*. Mr. Alexander also reported that the Corporation Counsel (now known as the Office of the Attorney General for the District of Columbia) has agreed to allow some of their attorneys volunteer their time to represent complainants, who do not have their own attorney, before the Commission. Twelve attorneys have agreed to volunteer their time. The volunteer attorneys received extensive training from the Commission staff.

¹ These are cases that are not certified to the Commission for a public hearing. Rather, the cases are matters which a complainant requests a hearing that proceeds under a separate a set of rules that the private sector cases.

Finally, the Chief Hearing Examiner noted that the Office of Human Rights as well as staff from the firm of Arnold & Porter and the D.C. Taxi Cab Commission has set up a task force to study discrimination in the taxicab industry. Specifically, the task force will examine whether cab drivers who fail to pick up certain citizens in the District of Columbia are acting in a discriminatory manner. After the conclusion of the study, the task force will draft a report and make recommendations, if any.

V. DIRECTOR'S REPORT

Director Kenneth L. Saunders reported that the administration is making a determination whether the Office of Human Rights should continue to report to the Deputy Mayor for Children, Youth and Families or should it report to the City Administrator. This analysis is being made because the Office of Human Rights investigates discrimination complaints arising from agencies that report to the same deputy mayor as the Office of Human Rights. Such a reporting system creates an appearance that the investigations are not independent. By reporting to the City Administrator, the Office will be the only agency that reports to that official and therefore the investigations of government agencies will be more independent.

In other matters, the Director reported that the number of aged cases has dropped to 235 cases. Thus far for the fiscal year, the Office has achieved \$875,000 in settlements for complainants. It is expected that by the end of the fiscal year, the Office will achieve between \$1.2 million to \$1.3 million in settlements.

The Director also discussed the Office of Human Rights monthly performance measures. The first measure concerns whether the Office can docket all new cases within five days of receipt. The Office achieved 100% of that measure. The second measure is transferring cases to investigation within 45 days of docketing. That measure was 100% achieved. The third measure is training 13% of the district agencies in EEO policies. The Office has trained 23% or exceeded the goal by 114%. The fourth measure is to reach 3,000 individuals through education and outreach seminars. As of May 2004, the Office has trained 2,050 individuals.

The Director also informed the Commission that he hired a new Compliance Officer, Brittany Mathews, who will soon come on board at the Office Of Human Rights. Ms. Mathews will be responsible, inter alia, conducting EEO and diversity training. In addition, Mr. Saunders reported that the Office has received an additional \$141,000 to fully fund current personnel services.

Finally, Mr. Saunders reported that the U.S. Department of Housing and Urban Development (HUD) has selected the Office of Human Rights as the oversight agency for the new fair housing training academy, which will be

housed at Howard University. The oversight includes paying the bills for the academy. For that responsibility, the Office receives 7% of a 1 million dollar budget.

VI. OATH OF OFFICE FOR COMMISSIONER ROSS

Ron Collins, Director of the Mayor's Office of Boards and Commissions performed the oath of Office to Commissioner Ross. Mr. Ross was sworn-in for a second term as commissioner at 6:45 P.M.

VII. CHAIRPERSON'S REPORT

Chairperson Deborah Wood Dorsey reported that she met with Council member Graham's assistant, Fernando Rivera, to discuss the Human Rights Commission Establishment Act of 2003. This is a proposed legislation that will codify the establishment of the Commission within then D.C. Code. The legislation addresses the organization and structure of the Commission as well as the repeal of Commission term limits. Currently, the Commission is established by Mayor's Order. The Chairperson supports the legislation. It will be enacted in November 2004.

Chairperson Wood Dorsey acknowledged that this was the last meeting for Commissioners Fleps and Wedderburn whose terms have expired.

VIII. OUTREACH COMMITTEE REPORT

Vice-Chairperson Mario Acosta-Velez reported that on March 17, 2004, members of the Commission met with the leadership of the Gay, Lesbian, Bisexual and Transgender (GLBT) community to discuss issues that were facing that community. In the discussion, the Commission members discussed the process and procedures of filing a complaint of discrimination and having it investigated by the Office of Human Rights and conducting a hearing before the Commission. The members of the GLBT community were interested in knowing how many cases were filed at the Office of Human Rights that concerned sexual orientation discrimination. That information was gathered and forwarded to the leadership.

In other matters, the Vice-Chairperson reported that as part of its outreach efforts, the Commission would participate in the Capital Pride Festival by securing a booth and distributing information about the Office and the Commission. The Vice-Chairperson requested volunteers to help staff the booth.

IX. OLD BUSINESS REPORTED

No old business reported.

X. NEW BUSINESS

Commissioner Joiner reported that he heard Police Chief Ramsey on the radio stating that the police arrest approximately 800 people a week. Mr. Joiner was concerned that many of these arrests involve young African-American males who are arrested on very minor offenses. Specifically, Commissioner Joiner was concerned whether the arrests were part of a racial profiling scheme. Mr. Joiner questioned whether the Commission should investigate the matter and determine whether the arrests have a discriminatory motive. Chairperson Dorsey stated that is a good idea but before the Commission get involved with such a study, it needs to understand the nature of the arrests and the demographics of those who are arrested.

Commissioner Mobley raised a question concerning how commissioners address questions from the public regarding specific alleged acts of discrimination. The Chief Hearing Examiner responded that commissioners couldn't discuss issues or potential cases that may come before the agency or discuss pending cases. However, Commissioners may discuss broad strategy about a case and invite that individual to file a complaint with the Office of Human Rights.

XI. ANNOUNCEMENTS

Chief Hearing Examiner Alexander announced that the web page carries the minutes of the meetings as well as decisions of the Commission. The website is at www.ohr.dc.gov.

XII. ADJOURNMENT

The meeting was adjourned at 7:23 P.M.

Respectfully submitted

Christine Warnke
Secretary